

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT ARCHIBALD,

Plaintiff,

-v-

No. 09 Civ. 8970 (LTS)(HBP)

U.S. BUREAU OF PRISONS,

Defendant.

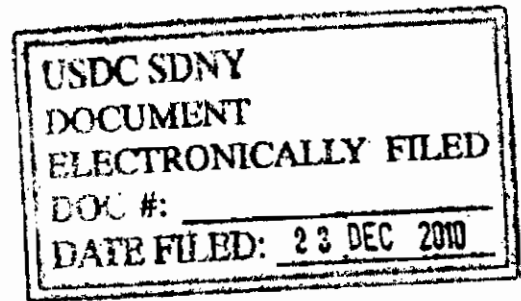
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MEMORANDUM ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Robert Archibald ("Plaintiff") commenced this action on October 23, 2009.

The case was assigned to the undersigned and referred to Magistrate Judge Henry Pitman. No proof of service of the summons and complaint has been filed and the Defendant has not answered or otherwise appeared. Judge Pitman issued an Order to Show Cause dated April 28, 2010 (the "OSC"), directing Plaintiff by June 28, 2010, to either complete service of the summons and complaint or show cause why such service had not been made. (Docket entry no. 3.) Plaintiff did not respond to the OSC and Judge Pitman subsequently issued, sua sponte, a Report and Recommendation, dated October 29, 2010 (the "Report"), which recommends that the Complaint should be dismissed for failure to complete service of the summons and complaint within the time permitted by Rule 4(m) of the Federal Rules of Civil Procedure. (Docket entry no. 4.) No objection to the Report has been filed.

The Court has reviewed the Report and the docket in this action. When reviewing the Report, the Court "may accept, reject, or modify, in whole or in part, the findings or



recommendations made by the magistrate judge.” 28 U.S.C.A. § 636(b)(1)(C) (West 2008). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted). The Court is satisfied that the report contains no clear error. Accordingly, the Court accepts the Report’s recommendations.

CONCLUSION

The Complaint is hereby dismissed. The Clerk of Court is hereby requested to enter judgment accordingly and close this case.

Dated: New York, New York
December 23, 2010

A handwritten signature in black ink, appearing to read 'Laura Taylor Swain', is written over a horizontal line.

LAURA TAYLOR SWAIN
United States District Judge